

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on February 6, 2008, and the references cited therewith.

Claims 1-13 and 19-36 were pending, claims 1, 27 and 34 are amended, and claims 19-26 are canceled; as a result, claims 1-13 and 27-36 are now pending in this application, with claims 1, 27 and 36 being the independent claims.

35 USC §102/§103 Rejections of the Claims

Claims 1, 5-11 were rejected under 35 USC § 102(e) as being anticipated by *Sakamoto et al.* (*US Patent 6,836,479*). Claims 2-4 and 12 were rejected under 35 USC § 103(a) as being unpatentable over *Sakamoto et al.* in view of *Antal et al.* (*US Patent 7,224,703*). Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over *Sakamoto et al.* in view of *Beshai et al.* (*US Patent 7,233,590*).

The Applicant respectfully submits that *Sakamoto et al.*, *Antal et al.*, and *Beshai et al.*, whether taken alone or in any reasonable combination, do not disclose or suggest the switching device recited in independent claim 1.

For example, independent claim 1 recites a segmentation unit to divide data packets into one or more segments having a length that is less than or equal to the maximum segment length where each segment identifies whether additional segments are included in the associated data packet. A framer aggregates a plurality of segments to form a frame and the frame is transmitted over the switch fabric. The Applicant submits that none of the cited references disclose or suggest a framer forming frames from segments and switching the frames, as required by claim 1. The Examiner contends that *Sakamoto et al.* disclose this based on the combination of multiple passages and FIGs. The Applicant submits that the Examiner's contention is erroneous.

Initially, the Applicant points out that the passages the Examiner is relying on deal with both the input interface (e.g., col. 3, lines 4-11; col. 5, lines 23-30) and the output interface (e.g., col. 3, lines 24-29; col. 6, lines 25-28). The output interface is related to reassembling packets that have been switched and have nothing to do with creating frames from segments, as required by claim 1.

Furthermore, the Examiner is relying on a first embodiment (e.g., FIG. 13) and a second embodiment (e.g., FIG. 5). The first embodiment (e.g., FIG. 13; col. 5, lines 20-46) does not disclose or suggest forming frames from a plurality of segments, as required by claim 1. Rather, it discloses switching the data cell by cell until the cells associated with a packet are switched. The information related to the switching is included in a first cell (internal header) and is not contained in any other cell. The second embodiment (e.g., FIGs., 4 and 5; col. 9, lines 14-37) does not disclose dividing variable length packets into segments having a maximum size and forming frames from the segments, as required by claim 1. Rather it discloses placing packets in the container.

For at least the reasons advanced above, the Applicant submits that *Sakamoto et al.* do not disclose or suggest the switching device recited in claim 1. The Examiner did not rely on either *Antal et al.* or *Beshai et al.* for disclosing or suggesting the elements of claim 1 that are deficient from the teachings of *Sakamoto et al.* and the Applicant submits that neither *Antal et al.* nor *Beshai et al.* disclose or suggest the deficiencies in the teachings of *Sakamoto et al.* For at least the above noted reasons the Applicant submits that claim 1 is clearly patentable over *Sakamoto et al.*, *Antal et al.*, and *Beshai et al.*

Claims 2-13 depend from claim 1 and are submitted to be patentable for at least the same reasons as advanced above with respect to claim 1 and for the further features recited therein. The Applicant respectfully requests that the Examiner remove the rejection of claims 1-13.

Claims 19, 21, and 24-25 were rejected under 35 USC § 102(b) as being anticipated by *Moriwaki et al.* (*US Patent 6,999,413*). Claim 20 was rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Lay et al.* (*US Patent 6,862,293*). Claim 22 was rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Moriwaki et al.* (*US Patent 7,212,525*). Claim 23 was rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Davidson et al.* (*US Patent 6,804,692*).

Claims 19-26 were canceled without prejudice or disclaimer to the subject matter contained therein. The rejections noted above are accordingly moot.

Claims 27-30 and 32-33 were rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Sakamoto et al.* Claim 31 was rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 and *Sakamoto et al.* in view of *Miles et al.* (*US Patent 6,665,495*).

The Applicant respectfully submits that *Moriwaki et al.* '413, *Sakamoto et al.* and *Miles et al.*, whether taken alone or in any reasonable combination, do not disclose or suggest the store-and-forward device recited in independent claim 27.

For example, independent claim 27 recites a segmentation unit to divide data packets into one or more segments having a length that is less than or equal to the maximum segment length where each segment identifies whether additional segments are included in the associated data packet. A framer aggregates a plurality of segments to form a frame and the frame is transmitted over the switch fabric. The Applicant submits that none of the cited references disclose or suggest a framer forming frames from segments and switching the frames, as required by claim 27.

The Examiner relies on *Moriwaki et al.* '413, however *Moriwaki et al.* '413 discloses blocks being formed from packets of variable size (see, for example, FIG. 4). As noted above with respect to claim 1 *Sakamoto et al.* do not disclose or suggest these features. The Examiner did not rely on *Miles et al.* for disclosing or suggesting the elements of claim 27 that are deficient from the teachings of *Moriwaki et al.* '413 and *Sakamoto et al.* and the Applicant submits that *Miles et al.* do not disclose or suggest the deficiencies in the teachings thereof. For at least the above noted reasons the Applicant submits that claim 27 is clearly patentable over *Moriwaki et al.* '413, *Sakamoto et al.* and *Miles et al.*

Claims 28-33 depend from claim 27 and are submitted to be patentable for at least the same reasons as advanced above with respect to claim 27 and for the further features recited therein. The Applicant respectfully requests that the Examiner remove the rejection of claims 27-33.

Claim 34 was rejected under 35 USC § 102(b) as being anticipated by *Moriwaki et al.* '413. Claim 35 was rejected under 35 USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Dell et al.* (*US Publication 2002/0085578 A1*). Claim 36 was rejected under 35

USC § 103(a) as being unpatentable over *Moriwaki et al.* '413 in view of *Tornetta et al.* (US Patent 6,950,448).

The Applicant respectfully submits that *Moriwaki et al.* '413, *Dell et al.* and *Tornetta et al.*, whether taken alone or in any reasonable combination, do not disclose or suggest the switching device recited in claim 34. Claim 34 is submitted to be patentable for at least reasons similar to those advanced above with respect to claim 27. Claims 35 and 36 depend from claim 34 and are submitted to be patentable for at least the same reasons as advanced above with respect to claim 34 and for the further features recited therein. The Applicant respectfully requests that the Examiner remove the rejection of claims 34-36.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (215-230-5511) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-4238

Respectfully submitted,

ANUJAN VARMA

By his Representatives,

CUSTOMER NUMBER: 46147
215-230-5511

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By: /DJR/ - electronic signature for
Douglas J. Ryder
Reg. No. 43,073